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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

JUAN MANUEL SILVA-QUESADA,

Defendant.

No. 08-70382 RS

STIPULATION AND [PROPOSED]  
ORDER EXCLUDING TIME

SAN JOSE VENUE

On July 10, 2008, defendant JUAN MANUEL SILVA-QUESADA appeared before the Court for a preliminary hearing. At the appearance, defendant waived time and requested discovery from the United States. The Court set the matter for arraignment before Judge Trumbull on August 7, 2008. Counsel for the United States requested an exclusion of time under the Speedy Trial Act from July 10, 2008 to August 7, 2008. The defendant, through counsel, agreed to the exclusion.

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1 The undersigned parties agree and stipulate that an exclusion of time is appropriate based  
2 on the defendant's need for continuity of counsel and effective preparation.  
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4

5 SO STIPULATED:

JOSEPH P. RUSSONIELLO  
United States Attorney

7 DATED: 7/22/08

8 /s/  
DANIEL R. KALEBA  
Assistant United States Attorney

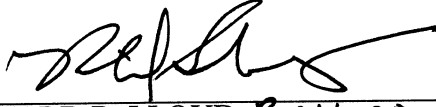
10 DATED: 7/23/08

11 /s/  
RICHARD POINTER  
Counsel to Defendant

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14 Accordingly, for good cause shown, the Court HEREBY ORDERS that time be excluded  
15 under the Speedy Trial Act from July 10, 2008 to August 7, 2008. The Court finds, based on the  
16 aforementioned reasons, that the ends of justice served by granting the requested continuance  
17 outweigh the best interest of the public and the defendant in a speedy trial. The failure to grant  
18 the requested continuance would deny defense counsel reasonable time necessary for effective  
19 preparation and continuity, taking into account the exercise of due diligence, and would result in  
20 a miscarriage of justice. The Court therefore concludes that this exclusion of time should be  
21 made under 18 U.S.C. §§ 3161(h)(8)(A) and (B)(iv).

22 SO ORDERED.

23  
24 DATED: 7-25-08

25   
~~HOWARD R. LLOYD~~ RICHARD SEEBURG  
United States Magistrate Judge